

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 20. BOARD OF DISPENSING OPTICIANS

(Authority: A.R.S. § 32-1671 et seq.)

ARTICLE 1. IN GENERAL

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ARTICLE 1. IN GENERAL

R4-20-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "ABO" means the American Board of Opticianry.
2. "Applicant" means an individual requesting an initial or renewal license from the Board.
3. "Application packet" means the forms and additional information the Board requires to be submitted by an applicant or on the applicant's behalf.
4. "Comity" means the procedure for granting an Arizona license to an applicant who is already licensed as a dispensing optician in another state of the United States.
5. "Days" means calendar days.
6. "Laboratory experience" means work directly involved in the process of producing optical devices and does not include work that is strictly clerical.
7. "License" means a written authorization issued by the Board to practice as a dispensing optician or operate an optical establishment in Arizona.
8. "NCLE" means the National Contact Lens Examiners.
9. "Nationally recognized body on opticianry accreditation" means the Commission on Opticianry Accreditation.
10. "Optical devices" means eyeglasses, contact lenses, prosthetic eyes, low-vision aids, other eyewear, or eyewear appurtenances or parts.
11. "Optometrist" means a person currently licensed in the practice of the profession of optometry as defined in A.R.S. § 32-1701 in any state of the United States.
12. "Physician" means a doctor currently licensed to practice allopathic or osteopathic medicine in any state of the United States.
13. "Vision practitioner" means a physician licensed in Arizona.

14. "Work week" means the period of time beginning on Sunday at 12:00 a.m. and ending the following Saturday at 11:59 p.m.

Historical Note

Former Rule II. Amended effective December 14, 1979 (Supp. 79-6). Amended Subsections (A) and (D) effective April 2, 1981 (Supp. 81-2). Former Section R4-20-102 repealed, new Section R4-20-102 adopted effective October 24, 1983 (Supp. 83-5). Amended Subsection (B) effective August 29, 1985 (Supp. 85-4). Former Section R4-20-101 repealed, Section R4-20-102 amended and renumbered as Section R4-20-101 effective September 18, 1987 (Supp. 87-3). Amended by final rulemaking at 5 A.A.R. 418, effective January 15, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 1978, effective May 10, 2000 (Supp. 00-2).

R4-20-102. Application for a Dispensing Optician's License by Examination

At least 45 days before an examination date, an applicant for a dispensing optician's license by examination shall submit to the Board an application packet that contains:

1. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
 - a. The applicant's name, social security number, address, and telephone number;
 - b. The name and address of the applicant's employer at the time of application;
 - c. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(b), the name and address of each dispensing optician, physician, or optometrist for whom the applicant served as an apprentice for 3 of the 6 years immediately preceding the application date, and the 1st and last dates of each apprenticeship;
 - d. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(c), the name and address of the school from which the applicant graduated, dates of attendance, date of graduation, degree received, and the name and address of each dispensing optician for whom the applicant served as a dispensing optician apprentice for 1 of the 6 years immediately preceding the application date and the 1st and last dates of service. The applicant shall submit a photocopy of a diploma from the optical dispensing school;
 - e. If demonstrating technical skill and training under A.R.S. § 32-1683(5)(d), the name and address of each dispensing optician, physician, or optometrist for whom the applicant has worked for 3 of the 6 years immediately preceding the application date and the 1st and last dates of employment;
 - f. A statement of whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude in any state;
 - g. A statement of whether the applicant has ever been denied an application or had a license suspended or revoked in any state; and
 - h. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. A photocopy of the applicant's high school diploma or general educational diploma issued in any state;

3. Verification of passing a national Board examination in opticianry as evidenced by an original notice of examination results or original certificate of successful passage issued by the professional examination service that prepared the examination;
4. A letter from each of 3 individuals who are not family members, have known the applicant for 2 years immediately preceding the date of the application, and support the applicant's licensure;
5. A letter from each ophthalmologist, optometrist, or dispensing optician licensed in any state who provided direct supervision to the applicant during the applicant's apprenticeship that contains:
 - a. The individual's printed name, address, and telephone number; and
 - b. A statement that the applicant has either served as an apprentice or been employed as a dispensing optician by the ophthalmologist, optometrist, or dispensing optician for the time required in subsections (A)(1)(c), (d), or (e). If the applicant served as an apprentice or was employed as a dispensing optician by more than 1 ophthalmologist, optometrist, or dispensing optician, the applicant shall submit a letter from each ophthalmologist, optometrist, or dispensing optician from whom the applicant is claiming experience.
6. A passport photograph of the applicant no larger than 1 1/2 x 2 inches and taken not more than 6 months before the date of application; and
7. The fee required in R4-20-112.

Historical Note

Former Rule III. Amended effective August 9, 1977 (Supp. 77-4). Amended effective August 7, 1978 (Supp. 78-4). Amended effective December 14, 1979 (Supp. 79-6). Former Section R4-20-103 repealed, new Section R4-20-103 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-103 amended and renumbered as Section R4-20-102 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-102 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-20-103. Approval to take dispensing optician examination

- A. An application to take the dispensing optician license examination shall be received by the Board 45 days prior to the date of the examination.
- B. Applicants whose applications have been approved shall be notified prior to the date of the examination as to the time and place of the examination.
- C. The Board may reduce or waive the 45-day requirement for any portion of the application if its nonavailability is outside the applicant's control.

Historical Note

Adopted effective August 9, 1977 (Supp. 77-4). Amended effective December 14, 1979 (Supp. 79-6). Amended Subsection (E) effective April 2, 1981 (Supp. 81-2). Former Section R4-20-104 repealed, new Section R4-20-104 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-104 amended and renumbered as Section R4-20-103 effective September 18, 1987 (Supp. 87-3). Amended September 13, 1989 (Supp. 89-3).

R4-20-104. Dispensing Optician Examinations

- A. At least twice each year, the Board shall administer a dispensing optician examination. The Board shall not space the examinations more than 8 months apart.
- B. A written dispensing optician examination shall cover the following subjects:
 1. Ocular anatomy,
 2. Geometric optics and laboratory,
 3. Ophthalmic dispensing, and
 4. Contact lenses.
- C. The practical examination shall include measurement of optical devices, interpupillary distance, segment heights, corneal curvature, and the identification of lens styles and tints. Only Board-supplied measuring equipment and optical devices shall be used in the practical examination.
- D. An individual who obtained a passing score on a dispensing optician examination administered by the ABO and holds a current certificate issued by the ABO may substitute the dispensing optician examination for those portions of the examination required in subsections (B)(1), (B)(2), and (B)(3), by submitting to the Board a current ABO certificate that states ABO requirements have been met and by:
 1. Submitting to the Board the original notice of examination results or the original certificate that states the individual passed the examination; or
 2. Having the ABO submit directly to the Board a notice of examination results or certificate of passing the examination.
- E. An individual who has obtained a passing score on a contact lens examination administered by the NCLE and holds a current certificate issued by the NCLE may substitute that examination for the portion of the examination required in subsection (B)(4), by submitting to the Board a current NCLE certificate that states NCLE requirements have been met and by:
 1. Submitting the original notice of examination results or the original certificate that states the individual passed the examination; or
 2. Having the NCLE submit directly to the Board a notice of examination results or certificate of passing the examination.

Historical Note

Adopted effective August 9, 1977 (Supp. 77-4). Former Section R4-20-105 repealed, new Section R4-20-105 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-105 amended and renumbered as Section R4-20-104 effective September 18, 1987 (Supp. 87-3). Amended September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3). Amended by final rulemaking at 6 A.A.R. 1978, effective May 10, 2000 (Supp. 00-2).

R4-20-105. Examination Procedures

- A. The Board's method of administering the written portion of an examination shall be for the applicant to apply to the American Board of Opticianry and National Contact Lens Examiners and successfully complete those examinations. Rules of the testing service shall apply.
- B. For the practical examination, an applicant shall not bring books or notes into the examination room, communicate by any means with other applicants while the examination is in progress, unless expressly authorized by the presiding examiner, or leave the examination room without first securing the presiding examiner's permission. Violation of this Subsection shall terminate the applicant's right to continue the examination.

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- C. For the practical examination, no persons except applicants, Board members, employees of the Board or persons having the express permission of the Board shall be permitted in the examination room while the examination is in progress.
- D. The examination papers are the property of the Board and shall not be returned to the applicant.

Historical Note

Adopted effective August 9, 1977 (Supp. 77-4). Former Section R4-20-106 repealed, new Section R4-20-106 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-106 amended and renumbered as Section R4-20-105 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3).

R4-20-106. Scoring of Examination; Failure to Pass

- A. To pass, a grade of 75% or more shall be achieved on the practical examination. For the written subjects, the applicant must meet the passing grade of 70% on the American Board of Opticianry examination and must meet the passing grade of 72% on the National Contact Lens Examiners examination.
- B. Failure to pass an examination shall not preclude an applicant from participation in a subsequent examination.
- C. An applicant who fails to pass the practical examination may retake the practical examination at either of the next two regularly scheduled examinations without the payment of any additional fee.
- D. After the second failure of the practical examination, re-examination shall be permitted only after filing a second application and payment of the fee for re-application.

Historical Note

Adopted effective March 20, 1978 (Supp. 78-2). Amended effective August 7, 1978 (Supp. 78-4). Former Section R4-20-107 repealed, new Section R4-20-107 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-107 amended and renumbered as Section R4-20-106 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3).

R4-20-107. Application for a Dispensing Optician's License by Comity

An applicant for a dispensing optician's license by comity shall submit an application packet to the Board that contains:

1. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
 - a. The applicant's name, social security number, address, and telephone number;
 - b. The applicant's dispensing optician license number and the state and date of licensure;
 - c. A statement of whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude in any state;
 - d. A statement of whether the applicant has ever been denied an application or had a license suspended or revoked in any state; and
 - e. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant;
2. A photocopy of the unexpired license and a written statement, signed by an officer of the licensing Board that issued the license, that states the license is in good standing;
3. A photograph of the applicant no larger than 1 1/2 x 2 inches and taken not more than 6 months before the date of application; and

4. The fee required in R4-20-112.

Historical Note

Adopted effective August 7, 1978 (Supp. 78-4). Former Section R4-20-108 repealed, new Section R4-20-108 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-108 amended and renumbered as Section R4-20-107 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-107 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-20-108. Repealed**Historical Note**

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-109 amended and renumbered as Section R4-20-108 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-108 repealed by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-20-109. Renewal of Dispensing Optician's License

No later than December 31 of each year, an applicant for renewal of a dispensing optician's license shall submit to the Board the fee required by R4-20-112 and an application form, provided by the Board, signed and dated by the applicant, and notarized that contains:

1. The applicant's name, social security number, address, and telephone number;
2. The name, address, telephone number, and Arizona license number of the optical establishment at which the applicant is currently practicing as a dispensing optician; and
3. A statement that the information contained on the renewal application is true and correct.

Historical Note

Adopted effective April 2, 1981 (Supp. 81-2). Former Section R4-20-110 repealed, new Section R4-20-110 adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-110 amended and renumbered as Section R4-20-109 effective September 18, 1987 (Supp. 87-3). Section R4-20-109 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-20-110. Application for an Optical Establishment License

An applicant for an optical establishment license shall submit an application packet to the Board that contains:

1. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
 - a. The applicant's name, establishment name, establishment address, and telephone number. An application form shall be signed by the following:
 - i. If a sole proprietorship, the individual owning the optical establishment;
 - ii. If a corporation, each individual owning 20% or more of the voting stock in the corporation;
 - iii. If a partnership, the managing partner and a general partner;
 - iv. If a limited liability company, the designated manager, or if no manager is designated, any 2 members of the limited liability company;
 - b. The hours the establishment will be open to the public for business;

- c. If applicable, the name, business address, and telephone number of each licensed optical establishment currently being operated by the applicant in Arizona;
 - d. If a corporation, the name of the statutory agent, the corporation's officers, and the state of incorporation; and
 - e. The name, business address, telephone number, and license number of each licensed dispensing optician who is scheduled to work at the establishment for 32 hours or more;
- 2. If a corporation, articles of incorporation; and
 - 3. The fee required in R4-20-112.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-111 amended and renumbered as Section R4-20-110 effective September 18, 1987 (Supp. 87-3). Repealed effective September 13, 1989 (Supp. 89-3). New Section R4-20-110 adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-20-111. Time-frames for License Approvals

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.
 - 1. The administrative completeness review time-frame begins:
 - a. For approval to take a dispensing optician examination or for an optical establishment license, when the Board receives an application packet.
 - b. For approval or denial of a license by examination or license by comity, when the applicant takes the dispensing optician examination.
 - 2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 - 3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
 - 4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
 - 1. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
 - 2. The Board shall send a written notice approving the applicant to take an examination or granting a license to

an applicant who meets the qualifications in A.R.S. §§ 32-1681 through 32-1687.

- 3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. §§ 32-1681 through 32-1687.
- D. The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:
 - 1. Supply the missing information under subsection (B)(2) or (C)(1); or
 - 2. Take the dispensing optician examination.
- E. An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.
- F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day shall be considered the time-frame's last day.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-112 amended and renumbered as Section R4-20-111 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Section R4-20-111 repealed, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-20-112. Fees

- A. Dispensing optician fees are as follows:
 - 1. License application fee: \$75
 - 2. License issuance fee: \$75
 - 3. Renewal of dispensing optician license: \$100
- B. Optical establishment license fees are as follows:
 - 1. License application fee: \$100
 - 2. License issuance fee: \$100
 - 3. Renewal of optical establishment license: \$100

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-113 amended and renumbered as Section R4-20-112 effective September 18, 1987 (Supp. 87-3). Amended effective April 22, 1988 (Supp. 88-2). Amended effective May 26, 1989 (Supp. 89-2). Amended by final rulemaking at 6 A.A.R. 1978, effective May 10, 2000 (Supp. 00-2).

R4-20-113. Display of licenses, nontransferability

- A. All licenses, including temporary licenses, shall be displayed in public view. If a license has been renewed, the evidence of renewal or copy thereof shall be displayed with the license in public view.
- B. Optical establishment and dispensing optician licenses are not transferable.
- C. Optical establishment licenses shall be returned to the Board upon transfer of ownership or going out of business.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-114 amended and renumbered as Section R4-20-113 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3).

R4-20-114. Notice of change of status

- A. Optical establishment licensees and dispensing optician licensees shall notify the Board of any change in the information provided to the Board concerning license application or its renewal, including any changes in name, address, work location, establishment ownership and the name, address and home

telephone number of dispensing opticians, optometrists or vision practitioners working at the establishment.

- B.** This notice shall be in writing and made within 30 days of change of status.
- C.** For purposes of this Section, a change of establishment ownership means:
 1. The transfer of a controlling interest in the optical establishment business from one person to another;
 2. The addition or termination of a general partner;
 3. The transfer or agreement to transfer a block of 20% or more of the outstanding voting stock of a corporation or association or the transfer or agreement to transfer any amount of voting stock which would give the transferee control of a majority of its outstanding voting stock. For purposes of this Paragraph, "voting stock" includes any interest or system whereby the operation of a corporation is controlled by its owners or trustees.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-115 amended and renumbered as Section R4-20-114 effective September 18, 1987 (Supp. 87-3).

Amended effective September 13, 1989 (Supp. 89-3).

R4-20-115. Renewal of Optical Establishment License

No later than June 30 of each year, an applicant for renewal of an optical establishment license shall submit to the Board the fee required by R4-20-112 and an application form, provided by the Board that contains:

1. The name, address, and telephone number of the optical establishment;
2. The name and license number of each dispensing optician who is scheduled to work 32 hours or more each work week at the optical establishment; and
3. The applicant's signature and title.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-116 repealed and reserved as Section R4-20-115 effective September 18, 1987 (Supp. 87-3). Section R4-20-115 amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-20-116. Rehearing or Review of Decision

- A.** Except as provided in subsection (G), any party in a contested case before the Board who is aggrieved by a decision rendered in such case may file with the Board not later than ten days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds therefor. For purposes of this Subsection a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party at his last known residence or place of business.
- B.** A motion for rehearing or review under this Section may be amended at any time before it is ruled upon by the Board. A response may be filed within ten days after service of such motion or amended motion by any other party. The Board may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C.** A rehearing or review of the decision may be granted for any of the following causes materially affecting the moving party's rights:
 1. Irregularity in the administrative proceedings of the Board or its informal interviewing officer or the prevailing party, or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing or interview;
 2. Misconduct of the Board or the prevailing party;

3. Accident or surprise which could not have been prevented by ordinary prudence;
4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
5. Excessive or insufficient penalties;
6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing;
7. That the decision is not justified by the evidence or is contrary to law.

- D.** The Board may affirm or modify the decision or grant a rehearing or review to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing or review shall specify with particularity the ground or grounds on which the rehearing or review is granted, and the rehearing or review shall cover only those matters so specified.
- E.** Not later than ten days after a decision is rendered, the Board may on its own initiative order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing or review for a reason not stated in the motion. Any order granting such a rehearing or review shall specify the grounds therefor.
- F.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may within ten days after such service serve opposing affidavits. That period may be extended for an additional period not exceeding twenty days by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G.** If in a particular decision the Board makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace, health and safety and that a rehearing or review of the decision is impracticable, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board's final decisions.
- H.** For purposes of this Section the terms "contested case" and "party" have the same meaning as in A.R.S. § 41-1001.

Historical Note

Adopted effective October 24, 1983 (Supp. 83-5). Former Section R4-20-117 amended and renumbered as R4-20-116 effective September 18, 1987 (Supp. 87-3). Amended effective September 13, 1989 (Supp. 89-3). Amended effective July 22, 1994 (Supp. 94-3).

R4-20-117. Scope of practice

The scope of practice of a dispensing optician includes those activities described in A.R.S. § 32-1671(3).

Historical Note

Adopted effective September 18, 1987 (Supp. 87-3).

R4-20-118. Unprofessional Conduct

In addition to actions specified in A.R.S. § 32-1696, unprofessional conduct in the practice of optical dispensing includes the following:

1. Substandard care.
2. Failing to maintain a copy of the customer's prescription or failing to prepare and maintain a record of the optical devices actually dispensed for a minimum period of three

years. The record shall include the brand, style, and size of the frame, if any, and the style, material, and all other information necessary to accurately reproduce each lens. All such records shall be separate from Arizona state-licensed optometrists' or physicians' records.

3. Failing or refusing to make a copy of a record described in paragraph (2) promptly available to the customer, the customer's prescribing practitioner, or the Board or its investigator, when requested. Notwithstanding this provision, a dispensing optician need not make the record of contact lenses dispensed on a trial basis available to the customer until the trial period has ended or a period of 60 days has elapsed without the dispensing of a retiral lens.
4. Failing or refusing to take corrective action concerning the manufacture or fit of eyeglasses, contact lenses or other optical devices dispensed at the establishment by which the dispensing optician is employed if there is a substantial basis for the complaint.

Historical Note

Adopted effective September 18, 1987 (Supp. 87-3).

Amended effective July 22, 1994 (Supp. 94-3).

R4-20-119. Substandard Care

- A. It is substandard care for a dispensing optician:
 1. To dispense improperly manufactured eyeglasses or contact lenses which are the subject of a complaint filed with the Board under A.R.S. § 32-1691.01(B). If the complaint indicates that eyeglasses or contact lenses dispensed by a dispensing optician or other employee of an optical establishment may have been improperly manufactured, the Board shall be guided in its determination of the facts by referring to the standards specified in Subsection (B) with regard to the individual parameters listed in the standards and considering patient wear, care, and usage.
 2. When interpreting written prescriptions, to fail to follow industry standards specified in Subsection (B) in determining lens powers due to differences in vertex distances, base curvatures, special lens requirements and facial fitting problems, or to fail to comply with special instructions of the vision practitioner or optometrist shown on the prescription without the full knowledge and consent of the customer, the vision practitioner or optometrist.
 3. To fail to follow manufacturer's guidelines regarding usual and customary lens thickness of eyewear.
 4. To intentionally or negligently injure a customer during the course of optical dispensing.
 5. To fail to give the customer appropriate instructions on the care, handling and wearing of the optical devices.
- B. The following standards published by the American National Standards Institute, Inc., are incorporated by reference herein and are on file in the Office of the Secretary of State:
 1. ANSI Z80.1-1987, "Prescription Ophthalmic Lenses - Recommendations" and no further changes.
 2. ANSI Z80.2-1989, "Rigid Contact Lenses - Requirements" and no further changes.
 3. ANSI Z80.5-1979, "Requirements of Dress Ophthalmic Frames".
 4. ANSI Z87.1-1989, "Practice for Occupational and Educational Eye and Face Protection" and no further changes.

Historical Note

Adopted effective September 18, 1987 (Supp. 87-3).

Amended effective July 22, 1994 (Supp. 94-3).

R4-20-120. Continuing Education; Hours Required; Reporting

- A. Within every three-year period from the date of obtaining a license or renewing a license, subsequent to the effective date of this rule, a person licensed as a dispensing optician shall complete no fewer than 12 clock hours of approved continuing education.
- B. Each licensee shall submit documentation to the Board verifying that the licensee has completed 12 clock hours or more of continuing education, as required, within each three-year subsequent period. Any false statement by licensee in the documentation shall be grounds for disciplinary action, including suspension or revocation of license. The documentation shall identify the courses and the number of credit hours completed and shall include the following:
 1. If the course is from a school approved by the Commission on Opticianry Accreditation or college-accredited course, proof of course completion and the number of credits earned.
 2. If the course is part of an event, a certificate of completion issued by the sponsor which identifies each part completed.
 3. If the course is a home-study course, a certificate of completion issued by the sponsor and the number of credits earned.
 4. For any other course, a certificate of completion issued by the sponsor or presenter and the number of credits earned.
 5. If the licensee cannot obtain the above documentation, any other documents, affidavits, or testimony which provides assurance that the licensee has completed the requirements.
- C. Of the 12 clock hours of continuing education, each licensee shall meet the minimum course requirements as follows:
 1. Four clock hours of eyeglass fitting and dispensing;
 2. Three clock hours of contact lens fitting and dispensing;
 3. One clock hour of state and national opticianry standards.
- D. Hours will be measured as follows: any single session covering not less than 2 hours and 40 minutes will be assigned three hours; any single session covering not less than 1 hour and 40 minutes will be assigned two hours; any single session covering not less than 50 minutes will be assigned one hour.

Historical Note

Adopted effective July 22, 1994 (Supp. 94-3).

R4-20-121. Continuing Education; Approval of Courses

- A. American Board of Opticianry and National Contact Lens Examiners courses shall be approved for continuing education. Other individuals or organizations seeking credit for or approval of a continuing education course shall apply to the Board 45 days prior to the date the course is offered. The application shall contain the following information on the course:
 1. Title and description of course content for each course;
 2. Time, date, and place;
 3. Number of credit hours requested;
 4. Name of the sponsor and presenter;
 5. Brief curriculum vitae of the presenter.
- B. Any excessive hours accrued during one reporting period may not be applied to any subsequent reporting period.

Historical Note

Adopted effective July 22, 1994 (Supp. 94-3).

Board of Dispensing Opticians

Table 1. Time-frames (in days)

| Type of Approval | Statutory Authority | Overall Time-frame | Administrative Completeness Time-frame | Substantive Review Time-frame |
|--|--------------------------------------|--------------------|--|-------------------------------|
| Approval to Take a Dispensing Optician (R4-20-102) | A.R.S. § 32-1682 | 90 | 30 | 60 |
| License by Examination (R4-20-102) | A.R.S. § 32-1682 A.R.S. § 32-1684 | 60 | 30 | 30 |
| License by Comity (R4-20-107) | A.R.S. § 1683 | 90 | 30 | 60 |
| Optical Establishment License R4-20-110 | A.R.S. § 32-1684.01 | 30 | 10 | 20 |

Historical Note

Table adopted by final rulemaking at 5 A.A.R. 418, effective January 15, 1999 (Supp. 99-1).